

**FILED**

**SEP 10 2013**

Clerk, U.S. District Court  
District Of Montana  
Helena

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

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UNITED STATES OF AMERICA,                                  Cause No. CR 12-20-GF-SEH

Plaintiff/Respondent,

vs.

CHARLES EDWARD JACKSON,

Defendant/Movant.

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On August 6, 2013, Defendant Charles Edward Jackson (“Jackson”) moved to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Jackson is a federal prisoner proceeding pro se.

On August 19, 2013, the United States Supreme Court received a petition for writ of *certiorari* from Jackson. *Jackson v. United States*, No. 13-6008 (docketed Aug. 23, 2013). District courts do not consider § 2255 motions while a direct appeal is pending. *Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir. 1987) (as amended); *United States v. Deeb*, 944 F.2d 545, 548 (9th Cir. 1991); Rule 5, Rules Governing

Section 2255 Proceedings for the United States District Courts, advisory committee's note (quoting *Womack v. United States*, 395 F.2d 630, 631 (D.C. Cir. 1968)). This is well-settled law. A certificate of appealability is not warranted. *Gonzalez v. Thaler*, \_\_\_ U.S. \_\_\_, 132 S. Ct. 641, 648 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

ORDERED:

1. Jackson's motion to vacate, set aside, or correct the sentence (doc. 49) is DISMISSED.
2. A certificate of appealability is DENIED.
3. The Clerk of Court shall enter a judgment of dismissal in Cause No. CV 13-64-GF-SEH.

DATED this 10<sup>th</sup> day of September, 2013.



Sam E. Haddon  
United States District Court